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REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 1-18, 20-22, 38, and 39 are pending. A typographical error in claim 15 has been corrected. Entry of the amendment is in order because it does not affect substantive matters, does not require a new search, and does not require consideration of new issues.

Applicants note the indication that claim 5 contains allowable subject matter and claim 39 is allowed.

Applicants traverse the rejection of claims 1-4, 6-18, 20-22, and 38 under 35 U.S.C. §103(a) as being unpatentable over Rautila et al. (U.S. 6,549,825) in view of Slettengren et al. (U.S. 2002/0228674).

Rautila discloses a system and method for connecting mobile terminal 12 to a database included in IP network 26 via RF cellular-type link 42. In addition, terminal 26 is coupled via a low-power RF or optical link 24 to broadcast location 16 including short-range transceiver 14, broadcast information interface 30, CPU 20, location information source 28, and memory 20. Transmission from broadcast location 16 is limited to broadcast area 18. Column 6, lines 34-47, indicates advertisements are broadcast from broadcast location 16 to mobile terminal 12. In response to a user of mobile terminal 12

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desiring additional information, link 42 provides the additional information from Internet protocol (IP) network 26 that includes servers with databases.

The Office Action admits Rautila does not disclose the following limitations of claim 1, upon which the remaining rejected claims depend:

sending a second, longer or larger part of the advertisement via short-range telecommunications, the second part of the advertisement being transmitted after the consumer device has screened the first part of the advertisement and has requested the second part of the advertisement.

This limitation has the advantage of not requiring the telecommunications address of the advertiser to be known. See page 16, second paragraph, last sentence.

There is no basis for the allegation on page 3 of the Office Action that "it is obvious that Rautila suggests the limitation." Labels 24 and 27' of FIG. 1 merely indicate short-range communications links between mobile terminal 12 and broadcast location 16. Column 7, lines 1-10, of Rautila, merely discusses the price of goods, payment options available, and use of a short message system having links between location 16 and each of mobile terminal 12, vending machine 27, and specialized service 25.

The apparent reliance on Slettengren for the missing concept in Rautila is misplaced. Slettengren is concerned with a cell phone

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system including politeness zone features. The cell phone of FIG. 1 includes a short-range transceiver 112 and a cell phone transceiver 110. Cell phone transceiver 110 is responsive to short-range emissions from short-range transceiver 204 of politeness zone transmitter 200. In response to the cell phone of FIG. 1 entering the politeness zone, the cell phone aural output signal is inhibited.

An auxiliary feature is that the user can be prompted by the cell phone when the cell phone receives a signal from the politeness zone, which signal corresponds with a setting made by the user into the memory of the cell phone of FIG. 1; see paragraph [0054]-[0058]. The user enters into the memory a type identifier, such as "restaurant" and a sub-type identifier, such as "takeout." Another example of a type identifier is "Mexican restaurant" and a sub-identifier is a Mexican restaurant serving empanadas. The user obviously makes these entries simultaneously. He does not make them in response to an initial advertisement, with a desire to obtain further information.

As such, the Slettengren arrangement is entirely different from that of Rautila and claim 1. Further, Slettengren does not disclose the step the Examiner admits Rautila does not disclose, i.e., "sending a second, longer or larger part of the advertisement via short range telecommunications, the second part of the advertisement

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being transmitted after the consumer device has screened the first part of the advertisement and requested the second part of the advertisement."

Applicants cannot agree that one of ordinary skill in the art would have combined Slettengren with Rautila. The Slettengren reference is concerned with politeness zones. The primary purpose of the reference is to prevent people in restaurants, theaters, museums, libraries, etc., from being disturbed as a result of a cell phone emitting aural energy in response to the phone's receiving a call. Thus, the Slettengren politeness zones are entirely different from the advertisements of the present invention or of Rautila.

It is not apparent why one of ordinary skill in the art would seek to modify the Rautila method or system to adopt the classification information disclosed by Slettengren. Slettengren uses the classification information for the primary purpose of allowing automatic determination of whether to modify machine settings. This is substantially different from determining whether or not to seek further information about an advertised topic. Rautila leaves the decisions as to whether to obtain further information entirely up to the user, rather than in any way suggesting that the decision may be directly determined by the machine; col. 9, lines 12-42. It therefore goes considerably beyond Rautila to consider automating this step, let alone how to perform the

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automation. Suggesting that this could be achieved by using the Slettengren disclosure is clearly the result of hindsight. One of ordinary skill in the art would not modify the Rautila et. al. method or system in this manner. There is no reason why one of ordinary skill in the art would look to Slettengren for this purpose.

The Examiner states that it would have been obvious to one of ordinary skill in the art to add sub-type capability to Rautila et. al. to identify special alerts, as disclosed by Slettengren, to provide a user with detailed information on information types with specific service sub-types. The Examiner, however, provides no rationale as to why one of ordinary skill in the art would have made this modification. To establish a *prima facie* case, the Examiner must provide rationale for his statements. *In re Lee*, 227 F.3d 1338, 61 U.S.P.Q.2d (Fed. Circ. 2002).

The dependent claims are allowable for the same reasons advanced for claim 1. In addition, many of the dependent claims include features that neither Rautila nor Slettengren discloses, notwithstanding the allegations in the Office Action.

For example, claim 6 requires the advertisement to be broadcast by a hand-portable mobile wireless telecommunications device. In Rautila, the advertisement is broadcast by broadcast location 16. The broadcast location includes a keyboard or personal computer, as

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well as a broadcast communication interface, a transceiver, and a location information source. There is nothing in Rautila to indicate these components at broadcast location 16 are hand-portable, mobile, wireless telecommunications devices, or that transceiver 14 is a hand-portable, mobile, wireless telecommunications device.

The Examiner relies on FIG. 3 of Rautila to disclose the features of claim 8 relating to the consumer device requesting more information via the short range telecommunications automatically, if the short form advertisement triggers a trigger to do so. However, FIG. 3 is a diagram of broadcast location 16 including N sources 50, each displaying information transmitted by broadcast location 16 to mobile terminals 12; see column 6, lines 10-14, and column 10, lines 9, 10, and 19-23.

The allegations in the Office Action concerning claim 10 are incorrect. The Office Action alleges Rautila discloses storing the telecommunication address with which the consumer device is to communicate the reply to the advertisement in the consumer device for automatic dialing or semi-automatic dialing or both; the Office Action cites FIG. 3 of Rautila in this regard. However, FIG. 3 is a diagram of broadcast device 16, as indicated by column 6, lines 10-14, and column 10, lines 9 and 10.

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The allegation that Slettengren would obviously be combined with Rautila to arrive at the features of claims 12, 16 and 17 is incorrect. As the Office Action admits, Rautila does not disclose the claim 12 requirement for (1) screening against an advertisement profile filter by the device before the advertisement is presented to the user of the device, and (2) presenting the advertisement to the user if the advertisement passes the screening operation. Claim 16 differs from Rautila by requiring the advertisement include one or more advertising class codes that are compared with allowable advertising codes in an address screening operation by the consumer device. Claim 17 depends on claim 16 and requires the consumer device to store or bring to the attention of the user all of the ads that passing the screening operation of claim 16. While paragraphs [0039] and [0040] of Slettengren may disclose a control profile for screening incoming communications, as alleged in the Office Action, the purpose of such screening has nothing to do with advertising. Instead, the screens referred to in paragraphs [0039] and [0040] of Slettengren are concerned with politeness zones.

Applicants cannot agree that Rautila discloses the claim 13 requirement of replying to an advertisement by a broker device in the telecommunication link between the advertiser device and the consumer device. The Examiner relies on RF link 42 between the mobile device and the Internet for this feature. It is not seen how

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link 42 can be considered as providing the foregoing step. The reliance on column 9, lines 1-11, of Rautila to disclose the feature of claim 14 is erroneous. In this regard, column 9, lines 1-11, states:

...The information which is received from the database 26 by the network transceiver 46 enables the user of the mobile terminal 12 to obtain more detailed information about the information which is broadcast by the link 24 including display on display 49'. This function enhances the diverse applications discussed above, including an advertising function, by providing a complete linkage to the detailed source of information associated with the identification information broadcast by the broadcast location 16 stored within the database within the IP network including server(s) with database 26.

Applicants find no mention in the foregoing language of a broker device or modifying a message sent by a consumer device to an advertiser and/or modifying any follow-up message sent by the advertising device, or a proxy or master advertising device to the consumer device.

Applicants also cannot agree with the statement in the Office Action that column 7, lines 12-22, of Rautila discloses the claim 15 requirement for the advertiser device to not include its own telecommunication address in its broadcast advertisement, but to include the telecommunication address of the broker device. In this regard, column 7, lines 12-22, states:

Broadcast advertising information may be diverse in nature. Advertising information may be a webpage and



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identification information which provides the mobile terminal 12 with the ability to access in IP network, including server(s), with database 26 and specifically, information stored in the database associated with the identification information transmitted from the position transceiver 14 to the mobile terminal 12 via link 24. The identification information provides an address of the server, database, or a portion of the database at which the information associated with the identification information is stored.

The foregoing language makes no mention of telecommunications addresses or broker devices.

Claim 21 requires the advertisement to be broadcast from a hand-holdable, portable, wireless advertiser device. The Examiner relies on short range transceiver 14 in broadcast location 16 for this feature. However, there is no disclosure in Rautila of transceiver 14 meeting the foregoing requirements. Claim 22 requires the advertiser device to be a portable electronic device. Rautila has no disclosure of broadcast location 16 or short range transceiver 14 of broadcast location 16 being a portable device.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.


To the extent necessary, Applicants hereby request any extension of time not otherwise requested and hereby authorize the Commissioner to charge any omitted fees, including application

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processing, extension, and extra claims fees, to Deposit Account  
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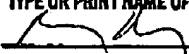
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